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Sitting Down to Breathe a Sigh of Relief: the East Bay Community Law Center’s Neighborhood Justice Clinic Helps Defeat Measure S

Grassroots Coalition Invites Discussion About Real Solutions to Homelessness in Berkeley

With all the provisional ballots counted, and the defeat of Measure S certain, the East Bay Community Law Center is pleased to mark the win as a victory for common sense and fairness.

Measure S would have made it illegal to sit on sidewalks in Berkeley’s commercial districts between the hours of 07:00am and 10:00pm, with a first violation charged as an infraction subject to either a \$75 fine plus additional court fees, while subsequent violations could be charged as misdemeanors. Misdemeanor arrest warrants would be issued to people who couldn’t afford to pay the fine and weren’t able to work it off doing community service.

The East Bay Community Law Center (EBCLC) has opposed similar efforts in the past. In 2011, our Neighborhood Justice Clinic lead a broad coalition of service providers, clergy leaders, lawyers and community groups and succeeded in convincing the City Council not to pass a law against sitting on the sidewalk. In July of this year, under pressure from commercial landlords and Business Improvement Districts, the City Council reconsidered and put Measure S on the ballot. Measure S directly targeted the homeless population, many of whom are clients of EBCLC’s Neighborhood Justice Clinic. It would have done nothing to help the city’s economy or meet the needs of Berkeley’s population.

“The commercial landlords and business improvement districts that represent them spent almost \$120,000 on Measure S,” said Osha Neumann, attorney at the East Bay Community Law Center and Chair of the No On S Campaign, adding, “Now that Berkeley has rejected the effort to criminalize people who are homeless, spoken up for real solutions, we challenge the folks who put money into passing Measure S to raise the same amount of money for services that will actually address the issue of homelessness and help people get off the street.”

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The landlord's money was not able to overcome the opponents of Measure S's tenacious grassroots campaign. Elisa Della-Piana, attorney at the East Bay Community Law Center and director of its Neighborhood Justice Clinic, noted, "We were outspent 8 to 1. But the East Bay Community Law Center and many others came through with energy, donations, hundreds of hours talking to voters, and a strategy that focused on real solutions."

On Election Day, worried they were losing the battle for public opinion, supporters of Measure S knowingly paid poor, homeless people to hand out deceptive flyers claiming the democratic party "officially" supported Measure S. Della Piana lamented, "They paid poor people to campaign against their own interests. Nevertheless, we are proud we took a stand against a law that would have targeted some of our most marginalized clients, and we won at the ballot box. That is an uncommon victory."

No On S Campaign Coordinator, Bob Offer-Westort commented, "We were confident people in Berkeley would make the right choice if given information, and we were right."

"This is just a first step," concluded Della-Piana. "We look forward to working with the community for solutions to homelessness—solutions that do not compromise our community's values."

In the final tally, more than 52% of the Berkeley electorate voted against Measure S, defeating it by a margin of 2,458 votes.

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The East Bay Community Law Center provides free legal services to eligible East Bay clients. Since its founding in 1988 by law students at UC Berkeley's Boalt Hall School of Law, EBCLC has become the largest provider of free legal services in the East Bay. To learn more about EBCLC, go to www.ebclc.org. EBCLC's Neighborhood Justice Clinic offers legal assistance to low-income residents of Alameda County in a wide range of cases, including citation defense, consumer protection, debt collection defense, identity theft, small claims, and DMV issues, among many others.